

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2009CF2843
)	EEOC NO.: 21BA91449
RAMON MACIAS, JR.,)	ALS NO.: 10-0117
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Munir Muhammad, Rozanne Ronen, and Charles E. Box, upon Ramon Macias, Jr.'s ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")¹ of Charge No. 2009CF2843; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, **THEREFORE**, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

FAILURE TO PROCEED

In support of which determination the Commission states the following:

1. On March 11, 2009, the Petitioner filed a charge of discrimination with the Respondent. The Petitioner alleged that Food 4 Less ("Employer") discharged him because of his ancestry, Hispanic, in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act").
2. On September 22, 2009, the Petitioner agreed to attend a fact finding conference that the Respondent had scheduled for October 27, 2009.
3. On September 23, 2009, the Respondent mailed the Petitioner notice of the fact finding conference.
4. On October 27, 2009, the Petitioner failed to attend the fact finding conference.

¹ In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

5. On October 29, 2009, the Respondent mailed the Petitioner a letter in which it requested the Petitioner to explain why he failed to attend the fact finding conference.
6. The Petitioner did not contact the Respondent to explain his failure to attend the fact finding conference.
7. Pursuant to 56 Ill. Adm. Code §2520.440(d)(1), if a complainant fails to attend a fact finding conference without good cause after having received due notice of the fact finding conference, the charge shall be dismissed.
8. On January 13, 2010, after receiving no explanation from the Petitioner regarding his failure to attend the fact finding conference, the Respondent dismissed the Petitioner's charge for Failure to Proceed.
9. On February 16, 2010, the Petitioner filed this timely Request. In his Request, the Petitioner provides no explanation for why he failed to attend the fact finding conference.
10. In its Response, the Respondent asks the Commission to sustain its dismissal of the Petitioner's charge for failure to proceed because the Petitioner failed to show good cause for his failure to attend the fact finding conference.

CONCLUSION

The Commission concludes the Respondent properly dismissed the Petitioner's charge for failure to proceed. Pursuant to 56 Ill. Adm. Code §2520.440(d)(1), a charge shall be dismissed if the complainant fails to show good cause for his failure to attend the fact finding conference.

The Petitioner failed to attend the fact finding conference, and has provided neither the Respondent nor the Commission with an explanation for his failure to attend the fact finding conference. Therefore, the Petitioner has not shown good cause for his failure to attend the fact finding conference, and his charge was properly dismissed for failure to proceed.

In the Matter of the Request for Review by: Ramon Macias, Jr.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of his charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

WHEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Food 4 Less, as Respondents with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

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Entered this 8th day of September 2010

Commissioner Munir Muhammad

Commissioner Rozanne Ronen

Commissioner Charles E. Box